

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	Date: May 6, 2008
Applicant : Judith D Auslander et. al.	Attorney Docket : F-736
Application No. : 10/692,569	Customer No. : 00919
Filed : October 24, 2003	Confirmation No. : 9107
Examiner : St Cyr, Daniel	Group Art Unit : 2876

**PETITION TO THE COMMISSIONER FOR PATENTS UNDER 37 CFR 1.181(a) TO
WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Sir:

Appellants respectfully request the withdrawal of the holding of abandonment as set forth in the March 20, 2008, Notice of Abandonment (Exhibit 1) for the above-captioned patent application because there was no abandonment in fact.

The above-identified Application became abandoned for allegedly failing to respond to the Office Letter mailed July 6, 2007, which required a corrected appeal brief. In response to the Office Letter, Appellants filed by facsimile on July 10, 2007, the enclosed APPELLANT'S BRIEF ON APPEAL, dated July 10, 2007 ("Corrected Appeal Brief") (Exhibit 2). Also enclosed is the Auto-Reply Facsimile Transmission (Exhibit 3) that Appellants received from the United States Patent and Trademark Office as acknowledgement of receipt of the Corrected Appeal Brief. Further enclosed are printouts from Private Pair showing that the 17 page facsimile containing the Corrected Appeal Brief was received July 10, 2007, but was entered as a "Miscellaneous Internal Document" (Exhibit 4), and the 17 pages printed from Private Pair (Exhibit 5).

On December 21, 2007, the Examiner called the office of the undersigned, who was not at work on that date. Attorney Steven Shapiro received the call and discussed the allegedly missing corrected appeal brief with the Examiner and advised the Examiner that the Corrected Appeal Brief had in fact been submitted by facsimile on July 10,

2007. When the Examiner responded that he did not have a copy of the Corrected Appeal Brief in the file, Attorney Shapiro sent to the Examiner's personal facsimile number, a cover letter enclosing another copy of the Corrected Appeal Brief and the Auto-Reply Facsimile Transmission of July 10, 2007 (Exhibit 6).

Enclosed please find the following Exhibits:

1. Copy of the Notice of Abandonment mailed March 20, 2008 (2 pages);
2. Copy of the Corrected Appeal Brief dated July 10, 2007 (17 pages);
3. Copy of the Auto-Reply Facsimile Transmission dated July 10, 2007;
4. Copy of the printout from Private Pair showing that the 17 page facsimile containing the Corrected Appeal Brief was received July 10, 2007 but entered as a "Miscellaneous Internal Document";
5. Copy of the 17 pages printed from Private Pair, i.e., the Corrected Appeal Brief dated July 10, 2007; and
6. Copy of Attorney Steven Shapiro's cover letter enclosing another copy of the Corrected Appeal Brief and the Auto-Reply Facsimile Transmission of July 10, 2007.

Accordingly, the enclosed documents clearly show that the Appellants timely responded to the Office Letter mailed July 6, 2007, and the March 20, 2008' Notice of Abandonment is in error and should be withdrawn.

Appellants petition the Commissioner for Patents to grant this Petition and withdraw the holding of abandonment.

No fee is believed due with this petition. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the petition or credit any overpayment to the Pitney Bowes Inc. Deposit Account Number 16-1885, Order No. F-736.

Respectfully submitted,

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